

410 Rec'd PCT/PTO 17 SEP 2001

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Nils KONG-MARK et al,

Serial No.: 09/856,489

ATTN: PCT BRANCH

Filed: September 17, 2001

FOR: CRUSHER

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents  
Washington, D.C. 20231

September 17, 2001

Dear Sir:

In response to the Notification of Missing Requirements dated July 17, 2001, enclosed for filing is an executed Declaration and Power of Attorney for the above-identified patent application.

Please note that the surcharge fee of **\$65.00** for filing the late Declaration was paid at the initial filing on June 11, 2001. Specifically, the fees enclosed at initial filing on June 11, 2001 were **\$960.00** (**\$860.00** for basic filing fees, and **\$130.00** for filing the late Declaration), but a Request for Refund of 50% of that amount was filed on July 9, 2001, as the Applicants are entitled to small entity status.

Further, enclosed is a check for the fee of **\$135.00** for multiple dependent claims (small entity). In the event that any additional fees are due with this paper, please charge Deposit Account No. 01-2340. This paper is filed in triplicate.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI  
MCLELAND & NAUGHTON, LLP

Nicolas E. Seckel  
Attorney for Applicant(s)  
Reg. No. 44,373

Atty. Docket No. 010679  
Suite 1000  
1725 K Street, N.W.  
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(202) 659-2930  
NES/srb

09/20/2001 UEDIWIJE 00000083 09856489  
01 FC:969

135.00 UP

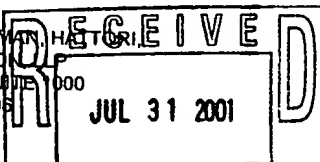
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856489	KONG-MARK	N 010679

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INTERNATIONAL APPLICATION NO.

PCT/IB99/01945

I.A. FILING DATE PRIORITY DATE

06 DEC 99

11 DEC 98

DATE MAILED:

17 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |  |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- |  |   |
|--|---|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   | <div style="border: 1px solid black; padding: 5px; transform: rotate(-90deg); transform-origin: center;">RECEIVED<br/>JUL 31 2001</div> |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.   |   |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  |   |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |   |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.   |   |
| <input type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).   |   |
4. Additional claim fees of \$ 270.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☒ PTO-875 ☐ PCT/DO/EO/920

Barbara A. Campbell

Telephone: 703-305-3631

FORM PCT/DO/EO/905 (March 2001)

12-11-98  
20 months: 6-11-01  
30 months: 8-11-01  
3d Mo = 8-11-01